

**PATENT****Attorney Docket No.: W1200-00042****III. Remarks****A. Amendments**

Independent method Claim 1 has been amended to affirmatively recite that the processor obtains location information for a plurality of lottery retailers. Independent method Claim 14 recites that the processor also obtains location information for a plurality of existing non-lottery retailers. The information obtained by the processor is used and referenced in subsequently recited steps.

Claim 4 has been amended to clarify that the "non-lottery retailer" is an "existing" non-lottery retailer, as opposed to a hypothetical retailer location.

Claim 5 has been amended to further recite that the retailer decision comprises considering establishing the at least one existing non-lottery retailer as a retailer of lottery games.

Claim 14 has also been amended to include the features of canceled Claim 18 and to also clarify that the "non-lottery retailer" is an "existing" non-lottery retailer, as opposed to a retailer location not yet in existence.

Claim 17 has been amended to remove the reference to "step (b)."

Claim 27 has been amended in the same manner as Claim 4.

Claim 33 has been amended consistent with the amendments to Claim 14, i.e., to include the features of now canceled claim 36 and to clarify that the "non-lottery retailer" is an "existing" non-lottery retailer.

**B. Rejection under 35 USC § 101**

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It is submitted that the amendments to Claims 1 and 14 recite more than the use of nominal technology as alleged by the Examiner in the Action. Reconsideration and withdrawal of the rejection of Claim 1-23 are, therefore, respectfully requested.

**C. Rejection under 35 USC § 103**

The Action rejects Claims 1-40 as being obvious in view of Microsoft's MapPoint as disclosed by two articles: "Divide and Conquer" and "Microsoft MapPoint 2000 Delivers New Mapping and Analysis Program." Reconsideration and withdrawal of this rejection are respectfully requested.

With respect to Claim 1, Claim 1 recites the step of "assigning through a processor unique identifiers to said plurality of lottery retailers, **said unique identifiers indicating types of lottery games sold by respective lottery retailers** from said plurality of lottery retailers." In other words, the lottery retailers are identified by the kinds of games they sell. Lottery retailers that sell the same kinds of games are assigned the same unique identifiers. Lottery retailers that sell different kinds of games are assigned different unique identifiers. Applicants respectfully submit that they do not see where this feature is taught or suggested by Baker as alleged by the Examiner.

The Examiner notes that Baker states that "maps incorporate symbols, three-dimensional representations, colors, and charts to display trends, locations, and relationships in business data." Baker at 1-2. The Examiner also states that Baker, at page 3, teaches that the mapping software identifies sales based on geographic location of the retailer. In summary, it is submitted that the Examiner has alleged that Baker teaches that mapping software may be used to develop "three dimensional representations, colors, and charts" to plot sales data for retailers. It is submitted therefore that the Examiner has not identified where or how Baker teaches or suggests that unique identifiers are assigned to a plurality of retailers where the unique identifiers indicate the types of product (i.e., types of lottery games) sold by respective lottery retailers.

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Figure 4 of the present application shows an example of individual unique identifiers being assigned to identify retailers by the type of product sold, e.g., a first identifier for instant ticket sale only, a second identifier for instant ticket and on-line lottery sales, etc. Claim 1 then requires that these unique identifiers are assigned accordingly to lottery retailers based on the types of products they sell, respectively, and are then identified on a displayed map. The identifiers essentially represent classes of retailers, not sales data (i.e., volume, total sales, etc.). It is submitted that use and assignment of identifiers in this manner is neither taught nor suggested by Baker or the other art of record.

For at least these reasons, it is submitted that Claim 1 is not obvious from and is allowable over the art of record. Claims 2-13 depend from Claim 1 and are also allowable. Claim 24 is directed to a system for processing lottery sales data and recites elements that parallel features of Claim 1. For at least the reasons set forth above in connection with Claim 1, it is also submitted that Claim 24 and Claims 25-32, which depend from Claim 24, are allowable over the art of record.

Although allowable for the reasons set forth above, Applicants submit that Claims 4 and 5 are independently allowable over the art of record. Claim 4 recites the step of identifying on said map display an indication of a location of "at least one existing non-lottery retailer." A retailer can sell lottery games (and optionally other products) (referred to as a "lottery retailer") or a retailer can sell only other products, but not lottery games (referred to as an "existing non-lottery retailer"). Applicants claim the additional step of displaying existing retailer businesses that do not sell lottery products along with existing lottery retailers. This display method gives the user a powerful tool to, for example, evaluate whether such existing non-lottery retailers are candidates to sell lottery games (as claimed in Claim 5).

In rejecting Claim 4, the Examiner cites to Page 3 of Baker, stating "Baker, page 3, system is used to identify locations where sales are concentrated, as well as where retailers need

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to improve, inherently the system is identifying locations of retailers where the product is not sold." Applicants respectfully disagree that this characterization teaches the features of Claim 4. Baker, page 3, discusses Avon's use of mapping software to track the performance of its representatives and to plot sales concentration, and to determine where Avon needs to "beef up" recruiting efforts for new representatives, as well as where to set up retail express centers. Identifying sales concentrations will identify where sales are and are not being made, but it will not tell the user whether there is an existing non-lottery retailer in an area that can become a lottery retailer. From what Applicants understand of Avon's business model, Avon recruits representatives in areas to sell their cosmetic products (i.e., Avon Ladies). From the article, it seems like if Avon sees a sales hole on the map, it knows it should recruit new sales persons or establish express centers (i.e., open new stores in the future). This is certainly different than plotting on a map retailers that sell lottery products along with existing retailers that sell non-lottery products. For at least these additional reasons, it is submitted that Claim 4 and Claim 5, which depends from Claim 4, are allowable over the art of record.

The Action also rejects independent Claim 14 as being obvious from the cited references. Claim 14 now recites the steps of obtaining with a processor location information for a plurality of lottery retailers and a plurality of existing non-lottery retailers, and identifying on said map display an indication of a location of at least one existing non-lottery retailer from said plurality of existing non-lottery retailers. As argued above in connection with Claim 4, it is submitted that Baker neither teaches nor suggests obtaining or identifying on the map display an indication of a location of at least one existing non-lottery retailer from said plurality of **existing non-lottery retailers**, let alone displaying such data along with sales data for a time period for lottery retailers.

For at least these reasons, it is submitted that Claim 14 and Claims 14-17 and 19-23, which depend from Claim 14, are allowable over the art of record. Independent system Claim 33 recites features discussed in connection with Claim 14. For at least the reasons set forth in

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connection with Claim 14, it is also submitted that Claim 33 and Claims 34-35 and 37-40, which depend from Claim 33, are allowable over the art of record. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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**IV. Conclusion**

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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